

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sara Griffin	Team: Squad #4	CCRB Case #: 201808575	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 10/12/2018 7:00 PM	Location of Incident: Q111 bus stop near York College	Precinct: 103	18 Mo. SOL 4/12/2020	EO SOL 11/27/2020	
Date/Time CV Reported Mon, 10/15/2018 5:42 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 10/15/2018 5:42 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Daniel McCabe	05437	964639	103 PCT
2. POM Shawn Arigoni	09844	961625	103 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM William Hannan	18904	958680	103 PCT
2. POM Lance Walter	30215	951417	103 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Shawn Arigoni	Abuse: Police Officer Shawn Arigoni detained § 87(2)(b)	
B.POM Shawn Arigoni	Abuse: Police Officer Shawn Arigoni detained § 87(2)(b)	
C.POM Daniel McCabe	Abuse: Police Officer Daniel McCabe detained § 87(2)(b)	
D.POM Daniel McCabe	Abuse: Police Officer Daniel McCabe detained § 87(2)(b)	

## Case Summary

On October 15, 2018, § 87(2)(b) called the CCRB and filed the following complaint on behalf on her § 87(2)(b) old daughter, § 87(2)(b) and her daughter's § 87(2)(b) old friend, § 87(2)(b) § 87(2)(b) is a reporting non-witness.

On October 12, 2018, at approximately 7:00 p.m., § 87(2)(b) and § 87(2)(b) were stopped and detained by Police Officer Shawn Arigoni and Police Officer Daniel McCabe of the 103 Precinct at a Q111 bus stop in front of York College in Queens (**Allegations A-D: Abuse of Authority, § 87(2)(g)**). § 87(2)(b) and § 87(2)(b) were handcuffed and transported to the 103<sup>rd</sup> Precinct stationhouse. After being seated in the Juvenile Room for several hours, § 87(2)(b) and § 87(2)(b) were released to their parents without any arrests made or summonses issued, but juvenile reports were generated.

There is Body Worn Camera footage capturing the initial stop and detainment.

## Findings and Recommendations

**Allegation A-Abuse of Authority: Police Officer Shawn Arigoni detained § 87(2)(b)**  
**Allegation B- Abuse of Authority: Police Officer Shawn Arigoni detained § 87(2)(b)**  
**Allegation C-Abuse of Authority: Police Officer Daniel McCabe detained § 87(2)(b)**  
**Allegation D-Abuse of Authority: Police Officer Daniel McCabe detained § 87(2)(b)**

It is undisputed that § 87(2)(b) and § 87(2)(b) were stopped by PO Arigoni and PO McCabe while attempting to board a Q111 city bus at the bus stop in front of York College. It is undisputed that upon being stopped, § 87(2)(b) and § 87(2)(b) were placed into handcuffs. It is undisputed that § 87(2)(b) and § 87(2)(b) were identified as being involved in an earlier assault. After being transported to the 103<sup>rd</sup> Precinct stationhouse, § 87(2)(b) and § 87(2)(b) were placed into the Juvenile Room. After waiting in the Juvenile Room for several hours, § 87(2)(b) and § 87(2)(b) were released to their parents without any summonses issued or arrests made.

§ 87(2)(b) (Board Review 1) testified and denied being involved in an assault earlier in the day and denied having any knowledge of an assault.

§ 87(2)(b) did not cooperate with the investigation; therefore, a sworn statement was not obtained.

PO Arigoni (Board Review 2) testified that he received a radio run of an assault with a weapon. Upon arrival to the scene, PO Arigoni spoke with the victim who stated she had been assaulted by a group of female teenagers with a stick. PO Arigoni and PO McCabe canvassed the nearby blocks with the victim in the rear of his vehicle. The victim identified § 87(2)(b) and § 87(2)(b) who were about to board a bus, as being involved in the assault. PO Arigoni and PO McCabe exited their vehicle and stopped § 87(2)(b) and § 87(2)(b). PO Arigoni went back to his vehicle and confirmed with the victim that § 87(2)(b) and § 87(2)(b).

were involved in the assault. At that time, § 87(2)(b) and § 87(2)(b) were considered under arrest for felony assault. An additional unit arrived and transported § 87(2)(b) and § 87(2)(b) to the 103<sup>rd</sup> Precinct stationhouse. PO Arigoni spoke to the NYPD's Juvenile Desk who instructed him to speak to the Queens District Attorney's (DA) office. The DA's office instructed PO Arigoni to charge § 87(2)(b) and § 87(2)(b) with § 87(2)(b), § 87(2)(a) Fam. Ct. Act § 381.3 and complete a juvenile report. PO Arigoni completed a juvenile report for each girl and called their parents to pick them up from the stationhouse.

Event § 87(2)(b) (Board Review 3) states that there is a group of young teenagers fighting behind York College. No description of the suspects was provided.

At approximately 1:40, PO Arigoni's Body Worn Camera (Board Review 4) captures him speaking to the assault victim in the rear of his vehicle and confirming the two stopped females, § 87(2)(b) and § 87(2)(b) were involved in the assault. The victim's face is not visible, but her voice is heard.

The 103<sup>rd</sup> Precinct Command Log (Board Review 5) for October 12, 2018 notes two arrest entries at approximately 7:20 p.m. for § 87(2)(b) and § 87(2)(b) § 87(2)(b) and § 87(2)(b) were charged with § 87(2)(b), § 87(2)(a) Fam. Ct. Act § 381.3 and were held in the juvenile room. At approximately 10:35 p.m., § 87(2)(b) and § 87(2)(b) were released to their parents.

The investigation requested the juvenile reports completed by PO Arigoni for § 87(2)(b) and § 87(2)(b). The juvenile reports are pending and will be added upon their receipt.

A stop may be conducted only when a police officer has an individualized reasonable suspicion that the person stopped has committed, is committing, or is about to commit a crime. A person may be detained only if a properly conducted Level 1 or Level 2 encounter yields information to support a reasonable suspicion that the person committed, was committing, or was about to commit a felony or Penal Law misdemeanor. NYPD Patrol Guide, Procedure 212-11 (Board Review 6); People v. DeBour, 40 N.Y.2d 210 (1976) (Board Review 7).

§ 87(2)(g)

### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 8).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 9).

- PO McCabe has been a member-of-service for one year and this is the first CCRB complaint to which he has been a subject (Board Review 10).
- PO Arigoni has been a member of service for two years and has been a subject in one CCRB complaint and two allegations, none of which were substantiated. § 87(2)(g) (Board Review 11).

### **Mediation, Civil and Criminal Histories**

- This complaint was not suitable for mediation.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (Board Review 12).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (Board Review 13).
- As of February 19, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (Board Review 14).

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Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_

Signature	Print Title & Name	Date
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Squad Leader: \_\_\_\_\_

Signature	Print Title & Name	Date
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Reviewer: \_\_\_\_\_

Signature	Print Title & Name	Date
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